

# **FISCAL NOTE - CAPTION BILL**

## **SB 2855 - HB 2540**

February 10, 2000

**CAPTION BILL:** Fiscal note reflects amendment filed to lift bill from the Clerks Desk (#010398)

**SUMMARY OF BILL:** Creates the "Tennessee Commission to Study Reparation Proposals for African-Americans Act".

Purpose of the Commission is to:

- Examine the institution of slavery which existed from 1619 through 1865 within the United States and the colonies that became the United States, including the extent to which the federal and state governments constitutionally and statutorily supported the institution of slavery.
- Examine de jure and de facto discrimination against freed slaves and their descendents from the end of the Civil War to the present, including economic, political, and social discrimination.
- Examine the lingering effects of the institution of slavery and the discrimination described in the first two items listed above on living African-Americans and on society in the United States.
- Recommend appropriate ways to educate the American public of the commission's findings.
- Recommend appropriate remedies in consideration of the commission's findings on the matters described in the first two items listed above.
- Submit to the general assembly the results of such examination, together with such recommendations.

Establishes the Commission to Study Reparation Proposals for African-Americans. The commission shall perform the following duties:

- Examine the institution of slavery, which existed within the United States and the colonies that became the United States from 1619 through 1865. The commission's examination shall include an examination of:
  - The capture and procurement of Africans;
  - The transport of Africans to the United States and the colonies that became the United States for purposes of enslavement, including their treatment during transport.
  - The sale and acquisition of Africans as chattel property in interstate and intrastate commerce; and
  - The treatment of African slaves in the colonies and the United States, including the deprivation of their freedom, exploitation of their labor, and destruction of their culture, language, religion, and families.

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- Examine the extent to which the federal and state governments of the United States supported the institution of slavery in constitutional and statutory provisions, including the extent to which such governments prevented, opposed, or restricted efforts of freed African slaves to repatriate to their home land.
- Examine federal and state laws that discriminated against freed African slaves and their descendants during the period between the end of the Civil War and the present.
- Examine other forms of discrimination in the public and private sectors against freed African slaves and their descendants during the period between the end of the Civil War and the present.
- Examine the lingering negative effects of the institution of slavery and the matters described above on living African-Americans and on society in the United States.
- Recommend appropriate ways to educate the American public of the commission's findings.
- Recommend appropriate remedies in consideration of the commission's findings on the matters described above. In making such recommendation, the commission shall address, among other issues the following questions:
  - Whether the State of Tennessee should offer a formal apology on behalf of the people of the State of Tennessee for the perpetration of gross human rights violations on African slaves and their descendents.
  - Whether African-Americans still suffer from the lingering effects of the matters described above.
  - Whether, in consideration of the commission's findings, any form of compensation to the descendants of African slaves is warranted.
  - If the commission finds that such compensation is warranted, what should be the amount of compensation, what form of compensation should be awarded, and who should be eligible for such compensation.
- The commission shall submit a written report of its findings and recommendations to the general assembly not later than the date, which is 1 year after the date of the first meeting of the commission.

The Commission shall be composed of 9 members who shall be appointed within 90 days after the date of enactment of this act.

- 3 Members shall be appointed by the governor.
- 3 Members shall be appointed by the Speaker of the House of Representatives.
- 3 Members shall be appointed by the Speaker of the Senate.
- All members shall be persons who are especially qualified to serve on the commission by virtue of their education, training, or experience particularly in the field of African-American studies.
- In making appointments to the commission, the speakers of the Senate and the House of Representatives are encouraged to ensure that at least 1 of their respective appointees is a primary sponsor of the act.

Terms of Office

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- The terms of office for members shall be for the life of the commission. A vacancy on the commission shall not affect the powers of the commission, and shall be filled in the same manner in which the original appointment was made.

#### Meetings

- The governor shall call the first meeting of the commission within 120 days after the date of the enactment of this act. Five members of the commission shall constitute a quorum, but a lesser number may hold hearings. The commission shall elect a Chair and Vice Chair from among its members. The term of each shall be for the life of the commission.

#### Compensation

- The non-legislative members of the commission shall receive no compensation, but they shall be entitled to reimbursement for travel expenses incurred in the performance of their official duties in conformity with comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.
- All legislative members of the commission shall be paid for attending commission meetings as provided in TCA 3-1-106.

#### Powers of the Commission

- Hearings and Sessions  
The commission may, for the purpose of carrying out the provisions of this act, hold such hearings and sit and act at such times and at such places within Tennessee, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the commission considers appropriate.
- The commission is authorized to call upon any department, office, division, or agency of the state, to supply such data, program reports, and other information, personnel and assistance as it deems necessary to discharge its responsibilities under this chapter.
  - These departments, offices, divisions, and agencies shall, to the extent possible and not inconsistent with any other law of this state, cooperate with the commission, and shall furnish such information, personnel and assistance as may be necessary or helpful to accomplish the purposes of this act.
  - Experts and Consultants - The commission may procure the services of experts and consultants, subject to the availability of funding for such purpose.

#### Financial and Administrative Support Services

- All expenses of the commission shall be borne by the department of finance and administration. The commission may enter into agreements with the commissioner of finance and administration for such financial assistance and administrative support services necessary for the discharge of the duties of the commission.

#### Termination of the Commission

- The commission shall terminate 90 days after the date on which the commission submits its report to the general assembly.

### **ESTIMATED FISCAL IMPACT**

#### **Increase State Expenditures - \$56,000 One-Time**

Estimate assumes the following:

- Estimate assumes any recommendation by the committee for compensation would not be implemented unless the legislature by separate action chose to fund such compensation.
- The council will meet once per month for a period of 1 year.
- 9 Members will attend each meeting.
- The total cost for one meeting over a two-day period is estimated to be approximately \$2,173.
- Expenses for meeting materials, copies, and postage are estimated to be approximately \$5,000.
- Expenses for expert witnesses and consultants are estimated at approximately \$25,000.

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director